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September 12, 2023

Honorable Michael A. Shipp, U.S.D.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Honorable Rukhsanah L. Singh, U.S.M.J.
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

***Re: Johnson & Johnson Talcum Powder Products, Marketing, Sales
Practices and Products Liability Litigation
Case No.: 3:16-md-02738-MAS-RLS***

Dear Judge Shipp and Judge Singh:

The Plaintiffs' Steering Committee (PSC) submits the following in compliance with the Court's order of September 7, 2023. The PSC met and conferred with counsel for the Johnson & Johnson Defendants in an attempt to agree upon a joint submission. The parties had reached a consensus on nearly all aspects of the submission with the exception of the Johnson & Johnson Defendants' insistence on including arguments about proposed Case Management Orders regarding motions related to statute of limitations and a product identification. As the PSC advised counsel for the Johnson & Johnson Defendants, the joint submission ordered by the Court was an improper forum in which to present such motions and doing so in that manner did not comply with the local rules. When the Johnson & Johnson Defendants refused to remove the motions and substantive

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arguments in support of such motions, the PSC had no choice but to write separately. The PSC stands ready to respond to any such motions when they are properly before the Court.

The Court's order asked the parties to file information regarding – a) a list of motions that have been resolved or are moot; b) a list of pending non-dispositive motions/applications and a potential process for handling those motions efficiently; and c) a list of pending dispositive motions.

Pending Non-Dispositive Motions

The PSC is not able to identify non-dispositive motions filed in individual cases without analyzing the individual docket of tens-of-thousands of cases on a case-by-case basis. Plaintiffs have conferred with Defendants, and neither party has identified an adequate mechanism to generate a comprehensive list. The PSC asks if it is possible for the Clerk's office to generate a list of the outstanding motions in all pending talc cases. If so, the PSC could then communicate with firms in those individual cases to determine if the pending motions have been resolved or are moot.

Absent the Clerk's Office being able to generate a list, Plaintiffs propose the following solution: The Court issue an order that directs plaintiffs to file a notice in the individual case of the pending non-dispositive motion(s) requiring a decision within 90 days, providing the type of motion and the docket number of the motion to be decided.

Pending Dispositive Motions

The parties have agreed on the following list of outstanding dispositive motions:

- Carol Williams, 3:19-cv-18778
- Linda Hill, 3:18-cv-08344
- Michael Scroggins o/b/o Bertha M. Walton¹

The parties have also agreed on the following briefing schedule to update the previously filed pleadings:

¹ The motion filed in the Landreth case (3:17-cv-11788) was withdrawn.

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- September 22 – Updated moving papers
- October 13 – Updated opposition papers
- October 20 – Updated replies

The motions are styled as omnibus motions but relate to individual cases and have no bearing on other cases.

Lastly, there are a number of motions to dismiss that have been filed in individual cases where PTI Royston, LLC and PTI Union, LLC were named as Defendants. Neither of these entities is a named defendant in the Master Long Form Complaint. Certain plaintiffs have asserted individual claims against the PTI defendants in their individual cases. Plaintiffs do not dispute the list of motions prepared by counsel for the PTI Defendants, which we assume will be provided in the Johnson & Johnson Defendants' submission to the Court.

Thank you for the Court's consideration.

Respectfully submitted,

/s/ P. Leigh O'Dell

/s/ Michelle A. Parfitt

P. Leigh O'Dell

Michelle A. Parfitt

cc: Hon. Joel Schneider, U.S.M.J. (ret.) (via email)
Susan Sharko, Esq. (via email)
All Counsel (via ECF)